

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:13CR101
)	
vs.)	ORDER
)	
NELSON W. MC CAULEY,)	
)	
Defendant.)	

This matter is before the court on the motion of defendant Nelson W. McCauley (McCauley) to sever Counts I and II of the Indictment and request for an evidentiary hearing and oral argument (Filing No. 16).

Count I of the Indictment charges McCauley assaulted C.M. within the Omaha Indian Reservation on March 6, 2013, in violation of 18 U.S.C. §§ 113(a)(6) and 1153. Count II charges McCauley, previously convicted of domestic abuse, with the assault of J.F. within the Omaha Indian Reservation on December 28, 2012, in violation of 18 U.S.C. §§ 117 and 1151. McCauley seeks the severance of the trial of these counts. The government does not oppose the severance for trial (Filing No. 18).

IT IS ORDERED:

1. McCauley's motion to sever (Filing No. 16) is granted. There will be a separate trial of Counts I and II.
2. McCauley's request for an evidentiary hearing and oral argument on the motion is denied as moot.

DATED this 18th day of April, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge